

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

SUMMER SIMS,

Plaintiff,

v.

**OIL DADDY, LLC d/b/a/
LUBRITECH PRODUCTS AND
SIDNEY K. IVEY, INDIVIDUALLY,**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CAUSE NO. 7:22-cv-107

DEFENDANTS' NOTICE OF REMOVAL

Defendants Oil Daddy, LLC d/b/a Lubritech Products and Sidney K. Ivey, Individually, (“Defendants”) file this notice of removal under 28 U.S.C §1446(a).

1. On February 10, 2022, Plaintiff Summer Sims (“Plaintiff”) sued Defendants in Cause No. CC24069, *Summer Sims v. Oil Daddy, LLC d/b/a Lubritech Products and Sidney K. Ivey, Individually*, in the County Court at Law No. 2 in Midland County, Texas.

2. Defendants were served on April 4, 2022. Defendants file this notice of removal within the 30-day time period required by 28 U.S.C §1446(b)(1). *Bd. Of Regents of Univ. of Tex. Sys. v Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

3. Removal is proper because Plaintiff’s claims are subject to complete preemption under ERISA because (1) Plaintiff could have brought her claim under § 502(a)(1)(B) of ERISA; and (2) there is no other legal duty that is implicated by Defendants’ actions. *Aetna Health, Inc. v. Davila*, 542 U.S. 200, 210 (2004). Therefore, this Court has federal question jurisdiction.

4. All Defendants who have been properly joined and served join in or consent to the removal of this case to federal court pursuant to 28 U.S.C. §1446(b)(2)(A).

5. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

7. Defendants will promptly file a copy of this Notice of Removal with the clerk of state court where the suit has been pending.

8. Plaintiff did not demand a jury in the state court.

WHEREFORE, Defendants respectfully request that the Court remove the suit to federal court; and for such other and further relief, at law or in equity, to which Defendants may show themselves justly and lawfully entitled.

Respectfully submitted,

WILLIAMS LAW FIRM, P. C.

1209 W. Texas Avenue

Midland, TX 79701

432-682-7800

432-682-1112 (fax)

By: /s/ Holly B. Williams

Holly B. Williams

Texas Bar No. 00788674

**ATTORNEY FOR DEFENDANTS OIL DADDY,
LLC d/b/a/ LUBRITECH PRODUCTS and
SIDNEY K. IVEY, INDIVIDUALLY**

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2022, I served a copy of this pleading as follows:

VIA EMAIL

B. Blue Hyatt

Lisa K. Hooper

LYNCH, CHAPPELL & ALSUP

The Reliance Building, Suite 700

300 North Marienfeld

Midland, TX 79701

bhyatt@lcalawfirm.com

lhooper@lcalawfirm.com

By: /s/ Holly B. Williams
Holly B. Williams

NO. CC24069

SUMMER SIMS
Plaintiff,

vs.

OIL DADDY, LLC d/b/a
LUBRITECH PRODUCTS AND
SIDNEY K. IVEY, INDIVIDUALLY
Defendants.

§
§
§
§
§
§
§
§
§

IN THE COUNTY COURT AT LAW

NUMBER ____ OF

MIDLAND COUNTY TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Plaintiff SUMMER SIMS, ("Plaintiff" or "Sims") and hereby files this, her Original Petition complaining of OIL DADDY, LLC d/b/a LUBRITECH PRODUCTS ("Lubritech") and SIDNEY K. IVEY, INDIVIDUALLY ("Ivey") (hereinafter collectively referred to as "Defendants"), and for cause of action would respectfully show the Court as follows:

I.

Discovery Control Plan

1. Plaintiff intends to conduct discovery under Level 3 - Texas Rule of Civil Procedure 190.4. If the parties are unable to agree to a Scheduling Order, Plaintiff requests the Court to schedule a hearing to enter a Discovery Control Plan.

II.

Parties and Service

2. Plaintiff, Summer Sims is an individual who resides in Lubbock, Lubbock County, Texas.
3. Defendant, Oil Daddy, LLC d/b/a Lubritech Products is a Texas limited liability company with its principal place of business in Midland County, Texas and may be served by

serving its registered agent, Sidney K. Ivey, via independent process server at 1400 North County Road 1110, Midland, Texas 79706 or wherever he may be found.

4. Defendant, Sidney K. Ivey, Individually, is an individual who resides in Midland County, Texas may be served via independent process server at 1400 North County Road 1110, Midland, Texas 79706 or wherever he may be found.

III.
Jurisdiction, Venue and Claim for Relief

5. The subject matter in controversy is in excess of the minimal jurisdictional limits of this Court. Venue in Midland, Midland County, Texas is proper under §15.002 of the Texas Civil Practice and Remedies Code because Midland County is the county where all or a substantial part of the events giving rise to the Plaintiff's claims occurred and the location of Defendant's principal place of business.

6. Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

IV.
Factual Background

7. Sims was employed by Lubritech as part of their business development/sales team beginning on May 6, 2021 and tendered her two-week resignation on January 3, 2022.

8. On or about January 10, 2022, Lubritech made the unilateral, retroactive decision to consider Sims' employment terminated as of January 3, 2022. Lubritech, therefore refused to pay Sims her last wages at the end of the pay-period, resulting in a gross loss of at least \$8,333.33.

9. Additionally, during Sims employment, Defendants withheld funds out of each of Sims' paychecks for health insurance purposes. Upon information and belief, since at least November 1, 2022, Lubritech failed to utilize such withheld funds to pay the required health insurance premium. Defendants, therefore, unlawfully retained no less than \$1,703.20 from Sims

and potentially other employees of Lubritech. As a result of Defendants' improper acts, Sims has been left without insurance coverage, which has caused Sims significant monetary damages. Sims and her son, whom was born with genetic abnormalities and diagnosed with cancer at two years of age, have not been able to obtain emergency or recommended medical care as a result of Defendants' acts and/or omissions. Sims is in need of emergency surgery, which she has postponed due to the cancellation of her health care coverage. Even more significant, Sims' son has been unable to attend his oncology appointments and other medical appointments related to a needed surgical procedure to address a genetic abnormality he has had since birth.

10. Defendants also withheld from Sims' wages federal income taxes, but, upon information and belief, Defendants failed to remit such tax withholdings to the United States Treasury in the approximate sum of \$31,314.72.

V.
Causes of Action

A. Lubritech's Violation of the Texas Labor Code

11. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

12. As Sims' employer, Lubritech is required to pay Sims for any and all services she provided to the company. Despite Lubritech's unilateral, retroactive decision to consider Sims' employment terminated, Lubritech still had the obligation to fully compensate Sims for her time through the last day of her employment. Specifically, Lubritech was obligated to compensate Sims within six (6) days after her discharge, which Lubritech has failed and refused to do. As a result of Lubritech's violation of Chapter 61 of the Texas Labor Code, Sims has suffered monetary loss in the gross sum of at least \$8,333.33.

B. Defendants' Fraud

13. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

14. At all times relevant to this suit, Defendants represented to Sims that the funds Defendants withheld from her paychecks were used and/or to be used for specific purposes, including, but not limited to payment of any and all health insurance premiums necessary for her to have health insurance as well as for federal income taxes. Sims agreed to Lubritech's withholding of such sums only for such limited purposes.

15. When Sims was recently in need of immediate health care, she learned that she was without health insurance. Despite Defendants knowing that the withheld funds were not properly applied and that Sims' coverage had been cancelled, Defendants continued to withhold funds from Sims' wages and represent to Sims that she had health insurance. At no time relevant to this suit did Defendants ever inform Sims that her health insurance had been cancelled.

16. Defendants also made deductions from Sims' wages, representing such withholdings were for federal income taxes. Defendants, however, failed to remit such tax withholdings to the United States Treasury in the sums of what is believed to be in the amount of \$31,314.72. At no time relevant to this suit did Defendants ever disclose their actual use of Sims' wages.

17. When Sims was considering the position with Lubritech, she communicated her need for health insurance and explained to Defendants the nature of her son's medical condition. Sims very clearly expressed to Defendants her acceptance of the job with Lubritech was dependent upon her having health insurance. Based on such communications, Defendants made fraudulent

representations to Sims with the intent that Sims continue her employment with Lubritech. Sims relied on Defendants' representations regarding the use of her withheld funds.

18. As a result of Defendants' acts and/or omissions, Sims has been damaged both monetarily and has incurred pain, suffering, mental anguish and distress because she and her son are required to undergo medical care, treatment and procedures and have been left without medical insurance to afford same.

C. Defendants' Conversion

19. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

20. At all times relevant to this suit, Defendants represented to Sims that Lubritech was withholding funds from Sims' paychecks for purposes of, among other things, paying health insurance premiums and federal income taxes. Any use outside of this specific purpose was not authorized, and, any such funds rightfully belong to Sims.

21. As a result of Defendants' wrongful use of Sims' wages, Sims has suffered damages in the amount of the wages unlawfully held by Defendants.

D. Defendants' Breach of Fiduciary Duty

22. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

23. As Sims' employer, Sims believed she had a relationship of trust and confidence with Defendants. Defendants controlled Sims compensation and benefits, including but not limited to health insurance benefits. Sims trusted Defendants to withhold the necessary amounts from her wages and to properly apply such funds so that Sims received the benefits as promised. Defendants did not do so.

24. Despite Defendants' withholding portions of Sims' wages, Defendants failed to properly manage such funds causing, amount other things, Sims' health insurance coverage for her and her son to be cancelled. Upon information and belief, Defendants also failed to remit Sims' tax withholdings to the United States Treasury.

25. Lubritech's acts and/or omissions are a breach of its fiduciary duty to Sims. Further, Ivey, as agent for Lubritech, participated in Lubritech's breach and/or knowingly induced Lubritech to breach such duty to Sims.

26. As a result of Defendants' acts and/or omissions, Sims has been damaged both monetarily and has incurred pain, suffering, mental anguish and distress because she and her son are required to undergo medical care, treatment and procedures and have been left without medical insurance to afford same. Further, Sims seeks the recovery of exemplary damages as a result of Defendants' fraud, as more particularly set forth herein.

E. Defendants' Civil Theft

27. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

28. At all times relevant to this suit, Defendants withheld compensation due and owing to Sims—compensation for services Sims provided to Lubritech as well as compensation Lubritech was to use such to provide Sims with health insurance and pay federal income taxes. Defendants knowingly and intentionally withheld such funds to deprive Sims of the funds and/or the benefits promised from proper use of such funds.

29. Sims has been damaged as a result of Defendants' unlawful use of Sims' money.

F. Money Had and Received

30. Sims hereby incorporates and re-alleges the matters set forth in the preceding paragraphs as if fully set forth herein.

31. Defendants hold money, in the form of employee compensation and wages, that in equity and good conscience belongs to Sims.

32. Defendants owe Sims the compensation she earned during her employment with the company as well as reimbursement for Sims' wages Defendants improperly withheld.

VI.
Attorney's Fees

33. Pursuant to the Texas Civil Practice and Remedies Code §38 et seq, Sims is entitled to recover her reasonable and necessary attorney's fees as a direct and proximate result of Defendants' acts and/or omissions as more particularly set forth herein.

VII.
Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer and that upon final hearing Plaintiff have judgment against Defendants, jointly and severally, for a sum in excess of the minimum jurisdictional limits of this Court, for prejudgment interest as provided by law, for post-judgment interest as provided by law from the date of Judgment until paid, for costs of court, reasonable and necessary attorney's fees, and such other and further relief, either at law or in equity, to which this Court deems Plaintiff justly entitled.

Respectfully submitted,

LYNCH, CHAPPELL & ALSUP
A Professional Corporation
The Reliance Building, Suite 700
300 North Marienfeld
Midland, Texas 79701
(432) 683-3351
(432) 683-8346 (facsimile)

By: *B. Blue Hyatt*
B. Blue Hyatt
State Bar No. 24032452
bhyatt@lcalawfirm.com
Lisa K. Hooper
State Bar No. 24047282
lhooper@lcalawfirm.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Marcy Carr on behalf of Blue Hyatt
 Bar No. 24032452
 mcarr@lcalawfirm.com
 Envelope ID: 61641915
 Status as of 2/11/2022 8:36 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Blue Hyatt		bhyatt@lcalawfirm.com	2/10/2022 3:42:07 PM	SENT
Jan McDaniel		jmcdaniel@lcalawfirm.com	2/10/2022 3:42:07 PM	SENT
Lisa KHooper		lhooper@lcalawfirm.com	2/10/2022 3:42:07 PM	SENT
Marcy Carr		mcarr@lcalawfirm.com	2/10/2022 3:42:07 PM	SENT

CITATION

CLERK OF THE COURT

Alex Archuleta
District Clerk
500 N. Loraine Street, Suite 300
Midland, Texas 79701

ATTORNEY REQUESTING SERVICE

B. BLUE HYATT
300 NORTH MARIENFIELD, STE 700

MIDLAND, TX 79701

THE STATE OF TEXAS

NOTICE TO OIL DADDY LLC D/B/A LUBRITECH PRODUCTS:

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TexasLawHelp.org."

TO: OIL DADDY LLC D/B/A LUBRITECH PRODUCTS

GREETINGS: You are commanded to appear by filing a written answer to the petition at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, before the **COUNTY COURT AT LAW NO. 2** of Midland County, Texas, at the Courthouse in Midland, Texas.

Said petition was filed on: **February 10th, 2022**

The file number of said suit being: **CC24069**

The style of the case is:

SUMMER SIMS

Vs.

**OIL DADDY, LLC D/B/A LUBRITECH PRODUCTS AND SIDNEY K. IVEY,
INDIVIDUALLY**

A copy of **PLAINTIFF'S ORIGINAL PETITION** accompanies this citation.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Midland, Texas, on February 14th, 2022.



ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

By: Roxana Galindo, Deputy
ROXANA GALINDO

CC24069

OFFICER'S RETURN
COUNTY COURT AT LAW NO. 2

SUMMER SIMS

Vs.

OIL DADDY, LLC D/B/A LUBRITECH PRODUCTS AND SIDNEY K. IVEY, INDIVIDUALLY

ADDRESS FOR SERVICE:

OIL DADDY LLC D/B/A LUBRITECH PRODUCTS

REG AGENT SIDNEY IVEY

1400 COUNTY ROAD 1110

MIDLAND, TEXAS 79706 OR WHEREVER HE MAY BE FOUND

Came to hand on the ____ day of _____, 20____, at _____ o'clock ____m., and
 executed in _____ County, Texas by delivering to the within named defendant in person, a true
 copy of this Citation together with the accompanying copy of the **PLAINTIFF'S ORIGINAL PETITION**, with the date
 of delivery endorsed thereon, at the following time and places,

to-wit:

Name

Date/Time

Place/Location

NOT EXECUTED FOR THE FOLLOWING REASON: _____

The diligence used in finding said defendant being: _____

and the cause or failure to execute this process is: _____

And the information received as to the whereabouts of said defendant being: _____

FEES FOR SERVICE \$ _____

(Of Citation)

_____, Sheriff

_____, County, Texas

By: _____, Deputy

STATE OF TEXAS

COUNTY OF MIDLAND

VERIFICATION

BEFORE ME, A Notary Public, on this day personally appeared _____ known to be the
 person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that the statements
 therein contained are true and correct. I am not a party to this lawsuit and have no interest in the outcome.

Given under my hand and seal of office this the ____ day of _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the
 return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury
 must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and my address

 (First, Middle, Last)

Is _____
 (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the ____ day of _____, 20____.

Declarant/Authorized Process Server

(Id # & expiration of certification)

FILED

NO. CC24069

2022 MAR 22 PM 1:52

SUMMER SIMS
Plaintiff,

vs.

OIL DADDY, LLC d/b/a
LUBRITECH PRODUCTS AND
SIDNEY K. IVEY, INDIVIDUALLY
Defendants.

§
§
§
§
§
§
§
§

IN THE COUNTY COURT AT LAW
MIDLAND COUNTY, TEXAS
HONESTY GARZA
NUMBER 2 OF
MIDLAND COUNTY TEXAS

ORDER ON MOTION FOR RULE 106 SERVICE

On this day came on to be heard the Motion for Rule 106 Service filed by the Plaintiff, SUMMER SIMS, for the issuance of a citation in accordance with Rule 106(b)(2) of the *Texas Rules of Civil Procedure*, and it appearing to the Court that the Motion has merit, it is sustained and granted.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk shall issue a Citation in accordance with Rule 106(b)(2) of the *Texas Rules of Civil Procedure*, and the same be delivered by affixing it to the door of the usual place of business of Defendant, OIL DADDY, LLC d/b/a LUBRITECH PRODUCTS located at 1400 North County Road 1110, Midland, Midland County, Texas 79706.

SIGNED AND ENTERED this 22 day of March, 2022.



JUDGE PRESIDING

I, ALEX ARCHULETA, District Clerk,
Midland County, Texas, do hereby certify that
this is a true and correct copy as same appears
of record in my office. Witness my hand and
seal of office on 03.23.22

ALEX ARCHULETA, District Clerk
By Deputy HONESTY GARZA



DELIVERED BY:

DATE: 4/4/2022 TIME: 6:53 PM

CITATION

CLERK OF THE COURT

Alex Archuleta
District Clerk
500 N. Loraine Street, Suite 300
Midland, Texas 79701

ATTORNEY REQUESTING SERVICE

B. BLUE HYATT
300 NORTH MARIENFIELD, STE 700
MIDLAND, TX 79701

THE STATE OF TEXAS

NOTICE TO OIL DADDY LLC D/B/A LUBRITECH PRODUCTS:

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY (20) DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TexasLawHelp.org."

TO: OIL DADDY LLC D/B/A LUBRITECH PRODUCTS

GREETINGS: You are commanded to appear by filing a written answer to the petition at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, before the **COUNTY COURT AT LAW NO. 2** of Midland County, Texas, at the Courthouse in Midland, Texas.

Said petition was filed on: **February 10th, 2022**

The file number of said suit being: **CC24069**

The style of the case is:

SUMMER SIMS

Vs.

**OIL DADDY, LLC D/B/A LUBRITECH PRODUCTS AND SIDNEY K. IVEY,
INDIVIDUALLY**

A copy of **PLAINTIFF'S ORIGINAL PETITION** accompanies this citation.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Midland, Texas, on February 14th, 2022.



[Handwritten signature]

DELIVERED BY:

DATE:

4/4/2022

By:

ALEX ARCHULETA
DISTRICT CLERK
MIDLAND COUNTY, TEXAS

Roxana Galindo, Deputy
ROXANA GALINDO

6:53 PM

CC24069

OFFICER'S RETURN
COUNTY COURT AT LAW NO. 2

SUMMER SIMS

Vs.

OIL DADDY, LLC D/B/A LUBRITECH PRODUCTS AND SIDNEY K. IVEY, INDIVIDUALLY

ADDRESS FOR SERVICE:

OIL DADDY LLC D/B/A LUBRITECH PRODUCTS

REG AGENT SIDNEY IVEY

1400 COUNTY ROAD 1110

MIDLAND, TEXAS 79706 OR WHEREVER HE MAY BE FOUND

Came to hand on the ____ day of _____, 20____, at _____ o'clock ____m., and
 executed in _____ County, Texas by delivering to the within named defendant in person, a true
 copy of this Citation together with the accompanying copy of the **PLAINTIFF'S ORIGINAL PETITION**, with the date
 of delivery endorsed thereon, at the following time and places,

to-wit:

Name

Date/Time

Place/Location

NOT EXECUTED FOR THE FOLLOWING REASON: _____

The diligence used in finding said defendant being: _____

and the cause or failure to execute this process is: _____

And the information received as to the whereabouts of said defendant being: _____

FEES FOR SERVICE \$ _____

(Of Citation)

_____, Sheriff

_____, County, Texas

By: _____, Deputy

STATE OF TEXAS

COUNTY OF MIDLAND

VERIFICATION

BEFORE ME, A Notary Public, on this day personally appeared _____ known to be the
 person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that the statements
 therein contained are true and correct. I am not a party to this lawsuit and have no interest in the outcome.

Given under my hand and seal of office this the ____ day of _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the
 return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury
 must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and my address
 (First, Middle, Last)

Is _____
 (Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the ____ day of _____ 20____.

Declarant/Authorized Process Server

(Id # & expiration of certification)

Filed 4/25/2022 12:00 AM
Alex Archuleta
District Clerk
Midland County, Texas
/s/ Angela Gardea

CAUSE NO. CC24069

SUMMER SIMS,	§	IN THE COUNTY COURT AT LAW
	§	
PLAINTIFF,	§	
	§	
v.	§	NO. 2
	§	
OIL DADDY, LLC d/b/a/	§	
LUBRITECH PRODUCTS AND	§	
SIDNEY K. IVEY, INDIVIDUALLY,	§	
	§	
DEFENDANTS.	§	MIDLAND COUNTY TEXAS

DEFENDANTS' ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants Oil Daddy, LLC d/b/a/ Lubritech Products and Sidney K. Ivey, Individually, (“Defendants”) file this Answer to Plaintiff’s Original Petition, and would respectfully show the Court as follows:

GENERAL DENIAL

Pursuant to its right to do so under the law of the State of Texas, Defendants generally deny the allegations contained in Plaintiff’s Original Petition and demand strict proof thereof.

Respectfully submitted,

WILLIAMS LAW FIRM, P. C.

1209 W. Texas Avenue
Midland, TX 79701
432-682-7800
432-682-1112 (fax)

By: /s/ Holly B. Williams
Holly B. Williams
Texas Bar No. 00788674

ATTORNEY FOR DEFENDANTS
OIL DADDY, LLC d/b/a/ LUBRITECH
PRODUCTS and SIDNEY K. IVEY,
INDIVIDUALLY

CERTIFICATE OF SERVICE

I certify that I have complied with the provisions of TEX. R. CIV. P. 21, this 24th day of April, 2022, as follows:

VIA EFILE

B. Blue Hyatt and Lisa K. Hooper

bhyatt@lcalawfirm.com

lhooper@lcalawfirm.com

LYNCH, CHAPPELL & ALSUP

The Reliance Building, Suite 700

300 North Marienfeld

Midland, TX 79701

By: /s/ Holly B. Williams
Holly B. Williams

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Donnabelle Hutt on behalf of Holly Williams
 Bar No. 00788674
 donnabelle@williamslawpc.com
 Envelope ID: 63847350
 Status as of 4/25/2022 9:00 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Blue Hyatt		bhyatt@lcalawfirm.com	4/24/2022 5:25:08 PM	SENT
Jan McDaniel		jmcdaniel@lcalawfirm.com	4/24/2022 5:25:08 PM	SENT
Marcy Carr		mcarr@lcalawfirm.com	4/24/2022 5:25:08 PM	SENT
Holly B.Williams		holly@williamslawpc.com	4/24/2022 5:25:08 PM	SENT
Holly B.Williams		holly@williamslawpc.com	4/24/2022 5:25:08 PM	SENT

Associated Case Party: SUMMERSIMS

Name	BarNumber	Email	TimestampSubmitted	Status
Billy Blue Hyatt	24032452	bhyatt@lcalawfirm.com	4/24/2022 5:25:08 PM	SENT
Lisa Hooper		lhooper@lcalawfirm.com	4/24/2022 5:25:08 PM	SENT

Associated Case Party: SIDNEY KIVEY

Name	BarNumber	Email	TimestampSubmitted	Status
Holly B.Williams		holly@williamslawpc.com	4/24/2022 5:25:08 PM	SENT